

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-02422-MSK-BNB

JOSEPH BRADSHAW,
TIMOTHY TUTAMORE, and
JAMIE MCMAHAN,

Plaintiffs,

v.

BOP DIRECTOR LAPPIN,
ADX WARDEN WILEY,
UNIT TEAM MEMBER COLLINS,
UNIT TEAM MEMBER MRS. SUDLOW,
UNIT TEAM MEMBER MADISON,
F.R.P. COORDINATOR [sic] JAVERNICK,
D.R. [sic] LEYBA,
D.R. [sic] NAFZIGER,
P.A. OSAGIE,
UNKNOWN MEDICAL STAFF,
UNKNOWN DENTIST,
UNKNOWN UTILIZATION COMMITTEE MEMBERS, and
UNKNOWN PROJECTED UNIT TEAM MEMBERS,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC -9 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING SERVICE BY UNITED STATES MARSHAL

On June 29, 2009, the district judge ordered the United States Marshal to attempt to obtain a waiver of service from the defendants [Doc. #96]. On July 13, 2009, the Federal Bureau of Prisons ("BOP") notified the court that it would not waive service for defendants Leyba and Nafziger because they are no longer employed by the BOP [Doc. #105]. On September 21, 2009, the plaintiffs requested that counsel for the defendants be ordered to provide under seal the addresses of defendants Nafziger and Leyba "so the marshal's can attempt to facilitate service"

[Doc. #123].¹ I directed defense counsel to submit Leyba and Nafziger's last known addresses under seal [Doc. #128]. The defendants have provided the court with the last known addresses [Doc. #132].

IT IS ORDERED that the United States Marshal shall personally serve a copy of the complaint, summons, and all other orders upon defendants Leyba and Nafziger. All costs of service shall be advanced by the United States. It is

FURTHER ORDERED that the United States Marshal shall file the returns of service solely with the court and shall file them under seal. It is

FURTHER ORDERED that defendants Leyba and Nafziger or counsel for the defendants shall respond to the complaint as provided for in the Federal Rules of Civil Procedure after service of process on the defendants.

Dated December 9, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

¹The district judge referred the plaintiffs' motion to me on September 23, 2009 [Doc. #124].

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 07-cv-02422-MSK-BNB

Joseph Bradshaw
Reg. No. 20980-038
ADX - Florence
PO Box 8500
Florence, CO 81226

Timothy Tuttamore
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Jamie McMahan
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Florence, CO 81226

US Marshal Service
Service Clerk

Service forms for: Dr. Lawrence Leyba, and Dr. Steven Nafziger - **UNDER SEAL**

Juan G. Villaseñor
Assistant United State Attorney
United States Attorney's Office
District of Colorado

DELIVERED ELECTRONICALLY

United States Attorney General - **CERTIFIED**
Room 5111, Main Justice Bldg.
10th and Constitution, N.W.
Washington, D.C. 20530

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals, and the following forms to the United States Marshal Service for service of process on Dr. Leyba, and Dr. Nafziger: to United States Attorney General; and to the United States Attorney's Office: AMENDED COMPLAINT FILED 1/07/08, SUMMONS, WAIVER*, AND NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE on 12/09/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk